

REMARKS

Summary of Claim Status

Claims 1-10 and 24-31 are pending in the present application after entry of the present amendment. Claims 24-31 are deemed allowable if the rejection under 35 U.S.C 112, second paragraph is overcome. Claims 11-23 and 32-43 are withdrawn.

Applicant requests the favorable reconsideration of the claims and withdrawal of the pending rejections and objections, in view of the present amendment and in light of the following remarks.

Restriction Requirement

Applicant affirms the election of Group I, including Claims 1-10 and 24-31, with traverse. Claims 11-23 and 32-43 (Group II) are withdrawn, but Applicant reserves the right to submit these claims in a divisional application, without prejudice.

Please note that Applicant has amended Claim 10 to correct an inadvertent clerical error. Specifically, Claim 10 is amended to depend from Claim 9, and not from Claim 13. Therefore, Claim 10 properly belongs in Group 1, and Applicant has retained Claim 10 as properly being in the group of claims remaining under consideration.

Rejections Under 35 USC 112

Claims 1 and 24-31 are rejected as being indefinite under 35 USC 112, second paragraph, the Office Action stating:

- a) As per claim 1, (lines 1, 7, 8, 13) "configurable, non-configurable" a positive term should be used.
- b) As per claim 24, lines (1, 15, 23 and 25) "configurable" a positive term should be used.
- c) As per claims 24-31, line 1, "programmable" a positive term should be used.

Applicant respectfully traverses this rejection. Indeed, Applicant finds this rejection confusing, as Applicant fails to understand the suggestion that the terms "configurable" and "programmable" are not positive terms. Certainly, these terms are

very commonly used in claims directed to the field of programmable logic. Further, if the term "non-configurable" is not a positive term, it follows that the term "configurable" must be a positive term, as the two terms have opposite meanings.

Moreover, Applicant respectfully notes that even if all of the terms "configurable", "non-configurable", and "programmable" were not positive, which Applicant does not concede, the terms would still be allowable in claims. Support for this point of view is found in the MPEP, e.g., at section 2173.05(i), which states:

The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph....

Therefore, Claims 1 and 24-31 are allowable under 35 U.S.C. 112, second paragraph.

Rejections Under 35 USC 103

Claims 1-9 are rejected under 35 USC 103(a) as being unpatentable over Yada et al. (U.S. Patent No. 6,941,505, hereinafter Yada) in view of McAlpine (U.S. Patent No. 6,167,491).

It would appear that the rejection of Claim 1 has not taken into consideration the terms "configurable" and "non-configurable", nor the fact that the virtual width of the user data word is selectable, e.g., programmable. The Office Action does not assert, much less prove, that either Yada or McAlpine either teaches or suggests:

writing the user data word to a configurable subset of the user data portion of the RAM array, the configurable subset being determined by the selected virtual width and the user address

as claimed in Applicant's Claim 1. The fact that varying amounts of data can be written starting at a selected user address (as allegedly taught by McAlpine) does not teach or suggest writing a user data word having a selected virtual width.

However, in order to achieve allowance, Applicant has amended Claim 1 to clarify that the number of bits in the user data word varies "based on a selected virtual width for the RAM array", while the ECC data includes a fixed number of bits. This

amendment is supported by the specification as filed (e.g., see paragraph [0012]).
Therefore, no new matter is added.

Neither Yada nor McAlpine either teaches or suggests writing a user data word having a varying width while generating ECC data based on the user data word and having a fixed width. Therefore, and for at least these reasons, Claim 1 is allowable over Yada and McAlpine, taken singly or in combination. Claims 2-9 are allowable for at least the reasons of Claim 1, from which they depend.

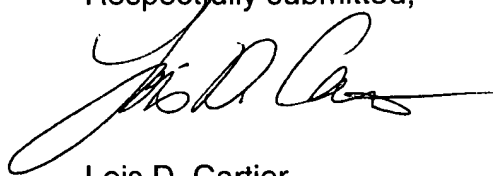
Allowable Subject Matter

Applicant takes notice that Claims 24-31 are deemed allowable if the rejection under 35 U.S.C 112, second paragraph is overcome. This rejection is believed to be overcome by the remarks above. Therefore, Claims 24-31 are believed to be allowable without amendment.

Conclusion

No new matter has been introduced by any of the above amendments. All claims should be now be in condition for allowance and a Notice of Allowance is respectfully requested. If any action other than allowance is contemplated by the Examiner, the Examiner is respectfully requested to telephone Applicant's agent, Lois D. Cartier, at 720-652-3733.

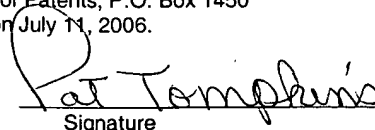
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as **first class mail** in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on July 11, 2006.

Pat Tompkins
Name


Signature